

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Davies

Group Art Unit:

Serial No.: 10/523,001

Examiner:

Intn'l Appln. No.: PCT/GB03/003251

Intern'l Filing Date: July 25, 2003

Attorney Docket: UDL-124B

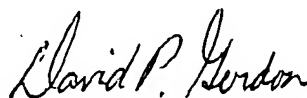
Title: Cutting Device

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

In response to a telephone conversation with Katherine Short on March 5, 2008, enclosed please find copies of the Specification, Claims, Abstract, Drawings and all related filing documents as submitted for the above referenced patent application. If any fees are due, please charge the fee to deposit account no. 07-1732.

Respectfully submitted,



David P. Gordon
Reg. #29,996
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.
60 Long Ridge Road
Suite 407
Stamford, CT 06902
voice: (203) 323-1800
fax: (203) 323-1803
email: davidg@gordonjacobson.com

March 5, 2008

Stamp acknowledges receipt by PTO of:

- Certificate of Mailing by Express Mail
- Express Mail Number EV 555 861 034
- Form PTOL-1390 (2 pages)
- Patent application entitled "Cutting Device"
(30 pages plus cover page and 12 pages of drawings)
- International Preliminary Examination Report (2 pages)
- Preliminary Amendment and Remarks (7 pages)
- A Declaration and Power of Attorney Document (3 pages)
- A check made out to the Commissioner of Patents and Trademarks
in the amount of \$1200
- All in PCT/GB03/003251

10/523001

(UDL-124B)



DT02 Rec'd PCT/PTO 20 JAN 2005

16 MAY 2005



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UNITED STATES PATENT AND TRADEMARK OFFICE
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www.uspto.gov

Gordon & Jacobson, P.C.
60 Long Ridge Road
Suite 407
Stamford, CT 06902

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BY:

In re Application of
DAVIES et al
Application No.: 10/523,002
PCT No.: PCT/GB03/003251
Int. Filing Date: 25 July 2003
Priority Date: 25 July 2002
Attorney's Docket No.: UDL-124 A
For: CUTTING DEVICE

COMMUNICATION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 25 July 2003, applicants filed international application PCT/GB03/523,002, which claimed a priority date of 25 July 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 January 2005.

On 20 January 2005, applicants filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, basic national fee and a preliminary amendment. These application papers were identified by applicants with attorney docket number UDL-124 B and were assigned application number 10/523,001.

On 20 January 2005, applicants also filed a second TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, basic national fee and a preliminary amendment. These application papers were identified by applicants with attorney docket number UDL- 124 A and were assigned application number 10/523,002.

DISCUSSION

As is evident from the above recited facts, applicant submitted two sets of papers to enter the national stage for the same international application. The submission of two sets of national stage papers to enter the United States was improper.

35 U.S.C. 363 states:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application. Both Transmittal Letters filed 20 January 2005 indicate that each submission is a "filing under 35 U.S.C. 371" of PCT/GB03/003251. No conflicting instructions appear in the application papers. Accordingly, each submission should have been treated as a national stage application submitted under 35 U.S.C. 371. In that only one national stage of a PCT application is permitted, it would have been proper for both of the submissions filed 20 January 2005 to be placed in a single application and assigned a single application number. Accordingly, all of the papers filed on 20 January 2005 have been placed in application number 10/523,001.

Applicant should use application number 10/523,001 in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/GB03/003251.

Preliminary Amendments

Only the preliminary amendment identified as having attorney docket number UDL- 124 B will be entered. The preliminary amendment having attorney docket number UDL- 124 A will be placed in the application file but will not be entered and will not be acted upon.

Fees

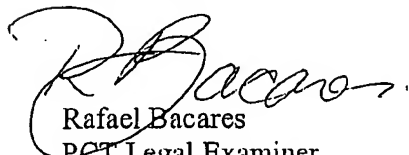
The fees accompanying the submission identified by applicants as having attorney docket number UDL- 124 A will be credited to Deposit Account 07-1732.

CONCLUSION

For the reasons set forth above, both of the submissions filed 20 January 2005 have been placed in the file of application number 10/523,001.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)


Applicant's or agent's file reference P451483W0	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB03/03251	International filing date (day/month/year) 25/07/2003	Priority date (day/month/year) 25/07/2002
International Patent Classification (IPC) or national classification and IPC B26B7/00		
Applicant CARGLASS LUXEMBOURG SARL - ZUG BRANCH et al.		

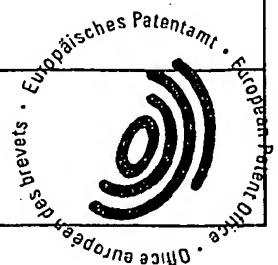
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12/02/2004	Date of completion of this report 04/06/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer B!GL P Tel. (+49-89) 2399 2828



I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

If all the additional search fees, which the applicant has been invited to pay, have not been paid, then all the inventions or groups of inventions corresponding to the unpaid fees will not have been searched. This means that the question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims corresponding to these inventions or groups of inventions (Article 17(3)(a) and Rule 66.1(e) PCT; see also international search report).

IV. Lack of unity of invention

The objection as to lack of unity raised in the international search report is maintained.
The reasons for the objection are the same as those indicated in the international search report.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).